Remarks

Claim 1 has been amended and claims 2, 56 and 57 have been cancelled. A copy of the pending claims in the application is attached hereto. Review and reconsideration are respectfully requested.

Claims 1, 3-5, 8, 10, 11 and 49-51 are rejected as being anticipated by U.S. Pat. No. 4,343,401 to Paulyson. Claim 1 has been amended to include the subject matter of claim 2, and claim 2 has been canceled.

Claim 1 now specifies that the module includes a roof and a bottom support structure which supports the vehicles thereon after the driving step, and that the roof and the bottom support structure are spaced apart such that only a single layer of vehicles can be received between the roof and the bottom support structure. Claim 2 is rejected as allegedly defining obvious subject matter over the Paulyson reference in view of U.S. Pat. No. 2,521,088 to Phelps. Thus, to the extent the rejection of claim 2 would be carried over to amended claim 1, such rejection is respectfully traversed.

At paragraph 10 the Office action takes the position that it would have been obvious to one of ordinary skill in the art to space the floor and roof of the container of the Paulyson reference such that only a single vehicle layer could be received therebetween, as allegedly taught by the Paulyson reference. However, it is submitted that one of ordinary skill in the art would not be motivated to modify the container of the Paulyson reference in this manner. In particular, the Paulyson reference is essentially entirely directed to a structure for loading two layers of vehicles into a standard container.

As noted at column 4, lines 30-40 of the Paulyson reference, the invention of that reference is used in a conventional enclosed, dry-cargo intermodal shipping container of standard dimensions (40' long x 8' wide x 9'6" wide) in which the cars are carried. The invention of the Paulson reference is a kit of assembleable component part for forming and installing an elevated deck track within the container (column 5, lines 3-5). Thus the Paulyson reference discloses a

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frame for loading four vehicles into a standard container (column 2, lines 45-48), wherein two of the vehicles are elevated above two lower vehicles (see Figs. 1 and 2).

Accordingly it can be seen that the Paulyson reference is directed to tracks and supporting framework to load two vertically-spaced layers of vehicles into a container. As is well known, if a proposed modification or combination of the prior art would change a principle of operation of the prior art being modified, then the teachings of the references are not sufficient to support an obviousness rejection. MPEP §2143.01. In this case, the proposed modification involves removing the entire inner framework of the device of the Paulyson to leave only a standard container. The proposed modification then involves reducing the height of the empty container to receive only a single layer of vehicles. However, removing the inner framework of the Paulyson reference involves removing the very invention thereof. Of course, reducing the height of the container also counteracts the teachings and purpose of the Paulyson reference, which is to stack vehicles.

Thus, it is submitted that the Paulyson reference cannot be modified in the proposed manner, and it is submitted that amended claim 1 defines over the cited references.

As noted in applicant's previous amendment, claim 1 also specifies that the module is detachably located on the trailer chassis. The Office action takes the position that the container of the Paulyson reference is detachably located on a trailer due to the presence of corner castings along a bottom edge thereof. However, it is respectfully submitted that the mere presence of corner castings does not mean that the container of the Paulson reference is detachably mounted to the trailer. In particular, it submitted that nearly all containers include castings at all corners thereof, and that such corner castings are merely a standard feature of container. Thus it is submitted that the corner castings do not indicate that the containers are removably mounted, particularly given the fact that no description of the container of the Paulyson reference as being detachably mounted to the trailer can be found in that reference and the container could in fact be fixedly coupled to the chassis for reasons outlined in Applicant's previous Amendment.

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Claim 11 depends from claim 1 and includes the step of storing the ramp on a trailer chassis. The Office action takes the position that the ramps 71, 80 of the Paulyson reference are "transported with the trailer." However, no such disclosure could be found in the Paulyson reference, and thus it is submitted that claim 11 further defines over the Paulyson reference.
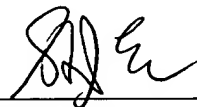
Finally, the Office action indicates that the limitation included in claim 55 is not supported in the specification and comprises new matter. However, the originally-filed drawings, such as Fig. 5, disclose that the distance between said roof and said bottom support structure is about 1.2 times the height of the vehicle shown therein, which is of course less than about double the height of the vehicle. Thus it is submitted that the subject matter of claim 55 is supported in the specification and does not comprise new matter.

The Office in invited to call the undersigned to discuss any issues raised by this Amendment or which otherwise remain in this case.

In sum, it is submitted that the application is now in a condition for allowance, and a formal notice thereof is respectfully solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809. Applicant hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,

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Attorney Docket No. 033449-500C1
Amendment

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